

The Examiner has rejected Claims 1 – 17 pursuant to 35 U.S.C. §102 as being anticipated or lacking novelty or, in the alternative, pursuant to 35 U.S.C. §103(a) as being obvious over U.S. Patent 5,847,246 [Hsu, et al.].

The Examiner cites Column 5, Lines 44 – 49 as describing the silicon component of the instant invention, either the composition or the process. The Examiner is mistaken in this belief, as the single reference to *silicon compounds* in the Hsu, et al. patent **is not even a suggestion that a low viscosity silicone could be used to reduce the freezing point of a fluid composition to a temperature in the range of 20°F to 40°F below the solidification temperature of the silicone at -165°F to -168°F.**

Just so that we are on the same page, the reference cited by the Examiner from the Hsu, et al. patent appears *verbatim* at Page 17, Lines 9 – 12 of the instant application. The silicone compounds referenced are to be used to chemically modify the terpenes **and are not to be used as a complementary component for reducing the solidification point of the eutectic mixture of a terpene component and a silicone component** as is accomplished with the present invention. Further, with reference to Page 24, Lines 10, et seq., the present invention is described in detail with regard to the silicone component of the eutectic terpene mixtures. The explanation of the experimental development of the use of the low viscosity silicones, which is contradictory to established known physical realities of solidification of the silicones at approximately -165°F, to obtain a eutectic mixture of terpenes and silicones to achieve a liquid fluid at approximately -200°F is not even suggested by the extremely limited reference to the possible use of silicone compounds to modify any of the terpene components of the earlier mixture comprising the low temperature heat exchange fluid of the Hsu, et al. patent.

Additionally, the Hsu, et al. patent is the grandparent parent to the present application as the present application is a CIP application of application S/N 08/674,348, filed July 2, 1996, now U.S. Patent 6,086,782, which patent is based upon a CIP application of application S/N 08/520,016, filed August 28, 1995, now U.S. Patent 5,847,246, all having the same inventive entity. Thus, the Hsu, et al. patent, U.S. Patent 5, 847,246, is not a citable reference as it is part of the family of patents from which the present application is derived.

For the foregoing reasons, the Hsu, et al. patent is not a proper reference as it is excludable from being cited as it is the grandparent and the cited language of the patent does not rise to the level of even a suggestion to do what the invention requires as silicone compounds are not , under normal circumstances, physically alterable to accomplish the significantly lowered temperature and remain liquid at -200°F to permit heat exchange.

For the reasons set forth above in the foregoing argument concerning the correctness and applicability of the grounds of rejection set forth by the Examiner in the most recent Office Action, favorable reconsideration of this application and an early Notice of Allowance is earnestly solicited.

Respectfully submitted,

**James T. Hsu, et al.**

DATE: **October 3, 2000**

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**CERTIFICATE OF MAILING**

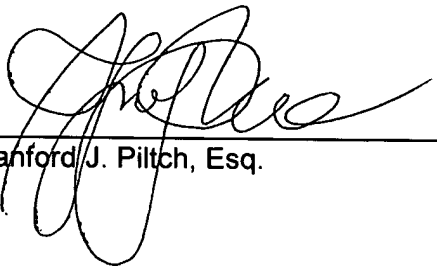
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